



APSE Public Policy Committee Update – January 2010

By David Hoff, Co-Chair

The APSE Public Policy Committee is pleased to welcome Stephanie Birmingham, APSE's new Public Policy Associate, who joined APSE on October 1st. The addition of a full-time staff person will help ensure that APSE and its members have a strong voice advocating for pro-employment public policies, and will also be a major asset in growing APSE's public policy infrastructure. Stephanie has quickly settled into her new role, engaging with legislators and their staffs on Capitol Hill, providing input on legislation and policy issues, and connecting with other disability advocacy organizations. Recognizing the critical importance of engaging chapters and members on policy issues, Stephanie has also been conducting extensive outreach to chapters, including monthly written updates, as well as monthly conference calls with chapter legislative liaisons, and regular Action Alerts to all members on critical policy issues.

Other public policy highlights over the last quarter include the following:

- **Release of sub-minimum wage statement:** On October 11th, the Executive Board of APSE released a statement, calling for the complete phase out of sub-minimum wage for all individuals with disabilities by the end of 2014 (<http://www.apse.org/publications/positions.cfm>). In its statement, the Executive Board stressed the importance of undertaking this effort in a way that is carefully thought out, and leads to movement of individuals currently being paid sub-minimum wage into individual, integrated employment opportunities paying minimum wage or higher. Additionally, the Board strongly felt that such an effort must avoid unintended consequences that would not only damage efforts to expand community employment, but result in actual loss of rights and opportunities for individuals with disabilities to full integration and inclusion in society. The Committee would like to thank all the members and chapters who took the time to provide input and feedback on the sub-minimum wage issue. The varying viewpoints and perspectives received were extremely helpful in crafting a statement that took a strong stand and set out a vision for the future, while respecting the inherent challenges involved in moving forward on a phase-out of sub-minimum wage.
- **Monitoring Health Care Reform:** APSE has continued to monitor developments regarding health care reform in Washington, including regular Action Alerts to members on health care related issues. The primary focus of APSE's efforts is ensuring that any final legislation that is ultimately passed by Congress not only protects the current health care provisions for people with disabilities, but also potentially serves as a catalyst for the expansion of employment of people with disabilities. APSE's advocacy has focused in part on including the CLASS (Community Living Assistance Services and Supports) Act as part of health care reform. The CLASS Act would create a national, voluntary insurance program to facilitate community living services and supports, providing a financing alternative for long-term services and supports that does not require individuals to become impoverished and turn to Medicaid to access these services.

- **Feedback on regulations implementing the ADAAA:** Proposed regulations to implement the Americans with Disabilities Amendments Act of 2008 (ADAAA) were released in the early fall. The purpose of the ADAA is to restore the broad scope and protections Congress intended when the ADA was originally passed, and to counter a series of court rulings that have narrowed the ADA's protections. The Public Policy Committee drafted comments in response to these proposed regulations, which APSE submitted to the Equal Employment Opportunity Commission (EEOC) in late November. In its comments, APSE generally applauded the EEOC for the strong language in the proposed regulations that not only reinforces the ADAA, but goes beyond the language of the ADAAA legislation, in terms of clarifying and specifying the conditions covered under the ADA. In its feedback, APSE noted, "These new regulations will help ensure that people with disabilities have the necessary protections against discrimination, and that cases of discrimination will be decided on the merits of the case, rather than on whether an individual meets the definition of 'disability'."
- **Workforce Investment Act Reauthorization:** APSE continues to be closely involved in activities surrounding reauthorization of the Workforce Investment Act of 1998 (WIA), which consists of major pieces of legislation impacting employment services and supports for people with disabilities. Congress is expected to enact a new version of WIA in 2010. APSE's specific focus is on Title IV of WIA, the Rehabilitation Act that authorizes the public Vocational Rehabilitation program, and Title I authorizing the public workforce investment system that serves all individuals, including those with disabilities. APSE provided testimony at a US Department of Labor WIA Listening Session on October 1st, emphasizing the need for strong protections for people with disabilities in Title I, and the need for the federal government to take a look at data that indicates a wide variation in the number of individuals with disabilities being served from state-to-state in the One-Stop Career Center system. APSE's work on WIA has also included working with two disability advocacy coalitions (CPSD and CCD) on WIA Title I and Rehab Act reauthorization language. In addition, APSE is in the process of drafting its own reauthorization recommendation letters regarding both WIA Title I and the Rehabilitation Act to be sent to appropriate Congressional members. APSE is looking at how to strengthen in general the emphasis on integrated community employment within WIA, with a clear and simple definition of employment that reinforces APSE's values, while also incorporating "Employment First" language emphasizing employment in the community as the first service option for people with disabilities. APSE Members should feel free to provide feedback on reauthorization of the Rehabilitation Act and Title I of WIA to Stephanie Birmingham (stephanie@apse.org).
- **Stronger engagement of chapters and members:** The Public Policy Committee recognizes the critical importance of engaging and being responsive to the needs of chapters and members, and has made efforts over the past year in this regard, including adding representatives from the Chapter Delegates to the Public Policy Committee. Among the planned initiatives for 2010 is developing stronger APSE support for chapter policy activities at the state and local level, with a planned release of a legislative handbook, development of fact sheets for chapters and members, exploring mechanisms for training on legislative advocacy, and expanded use of social media.

Questions and feedback regarding Public Policy Committee activities can be sent to the Committee Co-Chairs: David Hoff - david.hoff@umb.edu or Bob Lawhead - Rlawhead@emplink.org